

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-10, 13-14 and 18-25 are pending in the current application. Of those, claims 1, 6, 9, 13, 18, and 21 are independent claims. By this amendment, claims 1, 6, 9, 13, 18 and 21 have been amended and no claims have been canceled. No new matter has been added. Example support for the amendments herein may be found at Para. [0052-0056, 0059-0063] and Figs. 5b, 5c, and 7 of Applicant's application.

Applicants note with appreciation the Examiner's indication that the references cited in the Information Disclosure Statement filed November 12, 2009 have been accepted.

**Replacement Drawing**

Applicants have attached a replacement sheet for Fig. 7 of Applicants' application in order to correct minor inconsistencies.

**Claim Rejections under 35 U.S.C § 103**

**Claims 1-10, 13-14 and 18-25**

Claims 1-10, 13-14 and 18-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2002/0095531 ("Mori") in view of U.S. Publication 2002/0085122A1 ("Konuma"). Applicants respectfully traverse this rejection.

Amended claim 1 recites *inter alia*, "the graphic data including first type graphic data and second type graphic data...wherein **the first type graphic data and the second type graphic data are configured to be presented on different sub-planes** of the plurality of sub-planes." At Pg. 3 of the current office action, the

Examiner admits that Mori does not even disclose the “graphic data” or the “sub-planes” of claim 1. Instead, the Examiner relies on Para. [007, 0078, 0093] and Figs. 2 and 3 of Konuma to disclose the above limitation of amended claim 1. However, as clearly shown in Figs. 2 and 9 of Konuma, there is **only one graphics plane** “GP: graphics plane.” Further, none of the remaining planes “SP: still picture plane,” “MP: moving picture plane” and “BP: background image plane,” include any graphic data. Thus, **only the graphics plane includes graphic type data in Konuma**. As such, Konuma fails to disclose **“the first type graphic data and the second type graphic data are configured to be presented on different sub-planes** of the plurality of sub-planes,” as recited in amended claim 1.

For at least the foregoing reasons, amended claim 1 is patentable over Konuma. Even assuming *arguendo* that Mori and Konuma are combinable (which Applicants do not admit), Mori still fails to remedy the deficiencies of Konuma with respect to amended claim 1. Amended Independent claims 6, 9, 13, 18, and 21 recite somewhat similar limitations to amended claim 1 and therefore are patentable for at least some of the reasons stated above with respect to amended claim 1. Dependent claims 2-5, 7-8, 10, 14, 19-20 and 22-25 are patentable at least by virtue of their dependency on one of amended independent claims 1, 6, 9, 13, 18, and 21. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

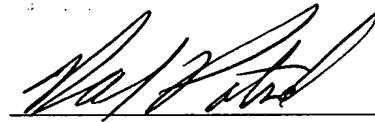
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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